



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 9, 1998

Mr. Michael Wied
Attorney, Administration and Northern Legal Services
Texas Water Development Board
P.O. Box 13231
Austin, Texas 78711-3231

OR98-3009

Dear Mr. Wied:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120355.

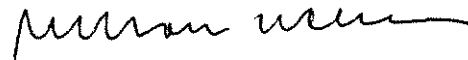
The Texas Water Development Board received a request for information relating to a wastewater plant in Nueva Laredo, Mexico, and water pollution in the Rio Grande River. You seek to withhold the requested information under section 552.107(1) of the Government Code.

Section 552.107(1) protects information "that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct." *See* Open Records Decision No. 574 (1990). In instances where an attorney represents a governmental entity, the attorney-client privilege protects only an attorney's legal advice and confidential client-attorney communications made in furtherance of the attorney's rendering legal services to the entity. *Id.* When invoking section 552.107(1), the governmental body must explain how particular information constitutes such client confidences or communications of legal advice. Open Records Decision No. 589 (1991).

You have indicated why you believe the particular documents you submitted, or portions thereof, constitute client confidences or communications of legal advice protected by section 552.107(1). We agree that you may withhold most of those portions of the requested information for which you claimed the protection of section 552.107(1). We have marked the portions you may so withhold. The remaining portions of the information at issue must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 120355

Enclosures: Marked documents

cc: Mr. Craig M. Sico
Harris & Watts
555 N. Carancahua
Tower II Building, Suite 1400
Corpus Christi, Texas 78478
(w/o enclosures)